

MAY 25 2016

JULIA C. DUDLEY, CLERK
BY: *A. Blaylock*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Abingdon Division

IN THE MATTER OF THE ARREST
OF RICHARD DENNY NOFSINGER, JR.)

1:16mj80

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR ARREST WARRANT

I, Greg Watson, Special Agent, United States Secret Service, being duly sworn, do depose and state as follows:

I am a Special Agent for the United States Secret Service (USSS) and have been so employed for approximately sixteen (16) years. Prior to my employment with the USSS, I was a police officer for approximately two (2) years.

I was trained as a Special Agent at the Federal Law Enforcement Training Center in Glencoe, Georgia and the USSS training facility in Beltsville, Maryland. My investigative duties include conducting criminal investigations involving emerging technology including the possession, manufacturing, and production of Child Pornography. My duties include investigation of other crimes such as counterfeiting of U. S. currency, counterfeiting government and business checks, forgery, bank fraud, credit card fraud, false loan applications, wire fraud, false identification, and other financial crime investigations.

During my employment as a USSS Special Agent, I have participated in numerous investigations involving the seizure of items related to the possession, manufacture and distribution of Child Pornography. I have previously executed arrest and search warrants that resulted in successful prosecutions of Child Pornography cases.

To successfully conduct these investigations, I have utilized a variety of investigative techniques and resources, including suspect/witness interviews and reviewing electronic surveillance videos. Through these investigations, my training and experience, and conversations with other experienced Agents and law enforcement personnel, I have become familiar with the methods used by suspects to produce and distribute Child Pornography. I am aware of the sophisticated tactics suspects routinely use to attempt to thwart any investigation.

The facts set forth in this affidavit are based on my personal knowledge and review of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials and private persons. All observations referenced in this affidavit that were not made by me were related to me by the person who made such observations, or conveyed by the report or statement that person made. Unless specifically indicated, all conversations and statements described in this affidavit are

related in substance and in part only and are not intended to be a verbatim recitation of such statements.

This affidavit is submitted in support of a request that a complaint and arrest warrant(s) be issued for the following person for violations of Title 18, United States Code, Section 2251 (Sexual Exploitation of Children), any person who, uses, any minor to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

Person

- 1) NOFSINGER, Richard Denny, Jr., DOB 08/07/1979

INTRODUCTION

This affidavit is submitted in support of a criminal complaint charging Richard Denny Nofsinger, Jr., with what is commonly referred to as a Production and Attempted Production of Child Pornography in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

18 U.S.C. § 2251(a) states in relevant part: "Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, . . . , any sexually explicit conduct for the purpose of producing any visual depiction of such conduct..., shall be punished as provided under [18 U.S.C. § 2251] subsection (e), . . . , if that visual depiction was produced or transmitted using material that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed".

18 USC § 2251(e) indicates that "attempts" of the above crimes are punishable as well.

For the purposes of this affidavit, the following terms are used as defined by 18 U.S.C. § 2256.

- 1) "Minor" means any person under the age of eighteen years;
- 2) "Sexually explicit conduct" means actual or simulated.— sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person.
- 3) "Producing" means producing, directing, manufacturing, issuing, publishing or advertising;
- 4) "Visual Depiction" includes undeveloped film and videotape, data stored on computer disk or by electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format;
- 5) "Computer" has the meaning given that term in Title 18, United States Code, Section

1030;

Since this affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant, it does not include each and every fact observed by me or known to the government. I have set forth only those facts necessary to support a finding of probable cause.

INITIAL SUMMARY

After responding to a request for assistance from the Galax, VA, Police Department, I have reviewed and confirmed that at least three (3) sexually explicit videos of a minor female child being sexually abused were in the possession of Richard Denny Nofsinger, Jr.

STATEMENT OF PROBABLE CAUSE

As described more fully in this affidavit, there is probable cause to believe that Richard Denny Nofsinger, Jr., used, persuaded, induced, enticed, or coerced, or attempted to use persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and the visual depiction was produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, in violation of Title 18, United States Code, Sections 2251(a) and 2251(e). Richard Denny Nofsinger, Jr. is a white male, with a date of birth of August 7, 1979, Social Security Account Number XXX-XX-0894 (the full SSN is known to your affiant), and his last known residence known to law enforcement in Galax, Virginia 24333. Nofsinger is further described as 6'01" tall and approximately 220 pounds, with blue eyes and brown hair.

On May 17, 2016, Richard Denny Nofsinger, Jr., was arrested for Capital Murder in the City of Galax, VA. Nofsinger was arrested while being a passenger in a vehicle on Morning View Ln, Galax, VA. Nofsinger had in his possession, on his person, an LG Model LGL 16C Cellular telephone, serial number 510VTVR848463.

On May 18, 2016, an Affidavit for Search Warrant was issued in Carroll County, VA Circuit Court for the following items:

Electrix 8GB Micro SD Card; 2GB Micro SD Card; Transcend 2 GB Micro SD Card; 2 – Sandisk Cruzer USB Flash Drives; PNY Mini Attache' USB Flash Drive; Lexar Flash Drive – Red in color, LG Model US550 Cellular telephone – Serial #509CYPY0046928 including any attached memory cards; LG Model LGL 16C Cellular Telephone – Serial # 510VTVR0848463 including any attached memory cards; TracFone Model A521L Cellular Telephone – Serial # NML8ZUKC10FIY including any attached memory cards.

Sexually explicit video images of a female child being sexually abused were found on the LG Model LGL 16C Cellular Telephone – Serial # 510VTVR084863.

On May 20, 2016, I was contacted by the Galax Police Department concerning the sexually explicit child images found on the suspect's cellular phone. I was given the facts of the case, which involved the murder and rape of both Alyssa Ann Kenny and her young daughter. Nofsinger was subsequently identified and arrested for Capital Murder.

On May 24, 2016, I personally reviewed eight sexually explicit videos involving a pre-pubescent female child. Richard Denny Nofsinger, Jr. can be seen in at least three videos using his finger to penetrate the female child while recording the incidents. We observed on the video the following:

- 1) Video labeled [0000002].mp4 – 44,256 KB MPEG-4 Movie
The video begins with keys laying on a table, shows a white male identified as Richard Denny Nofsinger, Jr. wearing a black Hard Rock T-shirt with glasses on a lanyard hanging around his neck (these glasses and lanyard have been taken as evidence by the Galax Police Department). Nofsinger is holding an infant girl wearing a diaper; he pulls the diaper back and uses his finger to probe her vagina while filming the incident.
- 2) Video labeled VID_20151203_142628.mp4 – 11,263 KB MPEG-4 Movie
The video shows a clear view of Richard Denny Nofsinger, Jr. having a little girl (approximately 2 years old) stand over a video recording device. The girl is wearing a dress with no under garment. Nofsinger at one point pulls up the dress showing her bare vagina.
- 3) Video labeled VID_20151203_142850.mp4 – 20,799 KB MPEG-4 Movie
The video shows a little girl (approx. 2 years old) setting on a males lap with a white and black polka-dotted dress with white socks trimmed in blue. The girl has no undergarment and the male pulls up her dress exposing her vagina.
- 4) Video labeled VID_20151203.14338.mp4 – 31,644 KB – 4 Movie
The video starts out showing a man's black shoes wearing jeans looking down at a wood floor. The video shows the same little girl dressed in the black and white polka-dotted dress wearing white socks trimmed in blue lying down. The person using the video recording device moves the little girl around and spreads her legs open to expose her bare vagina.
- 5) Video labeled VID_20151203_143718.mp4 – 17,067 KB – 4 Movie
The video starts out showing the recording device against what appears to be blue jeans. The video then shows the same girl wearing the same polka-dotted dress as the previous videos. The person using the recording device appears to move bedding covers back in order to video the bare vagina of the little girl.

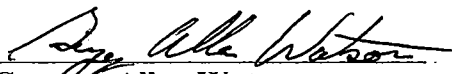
- 6) Video labeled VID_20151203_143718^2.mp4 – 8,911 KB – 4 Movie
The video is very short but starts out showing the bare vagina of a small girl who appears to be lying on a bed.
- 7) Video labeled VID_20151204_024950.mp4 – 15,847 KB – 4 Movie
This video appears to be shot in a dark room; the person using the video device comes into a room and walks over to a table with bags lying on it. The person filming appears to be looking for something and then turns the camera to a little girl lying on the bed wearing white panties with blue lace. The person uses his finger to pull the panties to the side and probes her vagina with his finger repeatedly. The person then brings the finger up to his nose and can be identified as Richard Denny Nofsinger, Jr. Nofsinger then walks to the door and exits while turning off the video recording device.
- 8) Video labeled VID_20151204_052249.mp4 – 24,387 KB – 4 Movie
This video starts out in a dark room that appears to be a bedroom. The person filming goes over to a bed where a small girl appears to be asleep. The little girl is wearing the same white panties with blue lace trim as in prior videos. The video shows someone pulling the little girl's panties back while he probes her vagina with his finger. The person then rolls the little girl over and continues to probe her vagina while filming. A distinctive dark spot appears on the vagina in this video.

The LG Model LGL 16C Cellular Telephone – Serial # 510VYVR084863 was manufactured in Yeouido-dong, Seoul, South Korea.

Conclusion

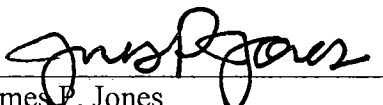
Based on the facts and circumstances set forth above, your affiant respectfully submits that:

There is probable cause to believe that in the Western District of Virginia, the defendant, has violated Title 18, United States Code, Section 2251(a) states in relevant part: “any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct..., shall be punished as provided under Title 18, USC 2251, subsection (e), . . . , if that visual depiction was produced or transmitted using material that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed”.


Gregory Allen Watson
Special Agent,
US Secret Service

Subscribed and sworn

before me this 25th day of May, 2016


James P. Jones
United States District Judge